Committee Room, Austin, Texas, February 15, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121, of the Revised Civil Statutes of 1925, as amended by the Acts of the Fortieth Legislature, so as to exempt the county of Parmer from the provisions of the said act,"

Has carefully compared same and find it correctly engrossed. McCOMBS, Chairman.

## REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room, Austin, Texas, February 14, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 68, "An Act providing an open season or a period of time when it shall be lawful to hunt, take or kill wild mourning doves in the north and south zones, as such zones are defined in Article 878 of the Revised Penal Code, as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session, and repealing any provision of the law in conflict with this act,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room, Austin, Texas, February 14, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 32, "An Act amending subdivision I, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court, and to confirm all writs and process from said court to such changes, and to make all writs and process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of said court as herein fixed, and to validate the drawing and the selecting and the

summoning of all grand and petit jurors for said court,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room, Austin, Texas, February 14, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 41, "An Act to amend Chapter 70, Special Laws passed at the Regular Session of the Forty-first Legislature, the same being an act creating and validating Hidalgo and Cameron Counties Water Control and Improvement District No. 9, in Hidalgo and Cameron counties, by adding to said chapter a new section numbered 8a, validating bond election held on the 7th day of September, 1929, and the bonds issued pursuant thereto,"

Have carefully compared same and

find it correctly enrolled.

LONG of Houston, Chairman.

## EIGHTEENTH DAY.

(Continued.)

(Tuesday, February 18, 1930.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Barron.

## BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Metcalfe, Senate bill No. 96 was ordered not printed.

On motion of Mr. Rountree, Senate bill No. 21 was ordered not printed.

On motion of Mr. Hubbard, Senate bill No. 95 was ordered not printed.

#### HOUSE BILL NO. 88 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 88, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another State or country and duly registered under the laws of said State or country for the current year; prescribing restrictions under which such vehicles may be operated; prescribing penalties for any violations hereof."

The bill was read second time.

Mr. Hubbard offered the following amendment to the bill:

Amend House bill No. 88 by striking out the word "five" wherever it appears and insert in lieu thereof the word "thirty," and amend the caption accordingly.

The amendment was adopted.

House bill No. 88 was then passed to engrossment.

## SENATE BILL NO. 21 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 21, A bill to be entitled "An Act requiring certain independent school districts to contribute to the expense of the county superintendent's office, and declaring an emergency.'

The bill was read second time.

Mr. Rountree offered the following (committee) amendments to the bill:

Amend Senate bill No. 21 after the figure "1-." Section No. 1 by adding: "That in all counties having a population of not less than eleven thousand eighty (11,080) and not more than eleven thousand one hundred (11.100) according to the Federal Census of 1920."

Amend the caption of Senate bill No. 21 by adding after the word "Districts" in the third line of said caption the following: "In all counties having a population of not less than eleven thousand eighty (11,080) and not more than eleven thousand one hundred (11.100) according to the Federal Census of 1920."

severally The amendments were adopted.

Senate bill No. 21 was then passed to third reading.

## CHANGE IN CONFERENCE COMMIT-TEE ANNOUNCED.

The Speaker announced the following changes in the conference committee on House bill No. 35:

Mr. Morse appointed to take the place of Mr. Tarwater.

## PROVIDING PAY FOR PRINTING OF HOUSE AND SENATE JOURNALS.

The Speaker laid before the House and had read the following resolution:

sum for printing of House and Senate Journals.

Be it resolved by the Senate of Texas, and the House of Representatives concurring, That the sum of two thousand tive hundred dollars (\$2,500.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the contingent fund of the Fourth Called Session of the Forty-first Legislature for the purpose of paying for the printing of the Journals of the House and of the Senate and of the Session Acts of the Legislature; and the Board of Control and the Secretary of State are hereby fully authorized and empowered to do such acts as may be necessary to facilitate the printing of said Journals and of the Session Acts.

The resolution was read second time and was adopted.

## SENATE BILL NO. 34 ON SECOND READING.

On motion of Mr. Keller, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 34, A bill to be entitled "An Act further regulating elections and primary elections; providing for a system of voting therein by the use of voting machines; making the adoption of such system optional in certain counties and mandatory in others; enacting all provisions necessary and incidental to the subject of this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Keller offered the following amendment to the bill:

Amend Senate bill No. 34 below the enacting clause by striking out the words "shall, on or before July 1, 1930," in Section 3, line 3, and inserting in place thereof the word "may," and amend the caption accordingly.

Signed—Keller, McCombs.

The amendment was adopted. Senate bill No. 34 was then passed to third reading.

## SENATE BILL NO. 94 ON THIRD READING.

The Speaker laid before the House, on its passage to third reading,

S. B. No. 94, A bill to be entitled "An Act providing for the disposition of oil and gas in lands belonging to the State eleemosynary institutions and State S. C. R. No. 14, Appropriating certain parks, and also providing for the sale of timber and the leasing of any such lands, and declaring an emergency.

The bill having been read second time on yesterday.

Mr. Petsch offered the following amendments to the bill:

(1)

Amend Senate bill No. 94 by inserting a new section to be known as No. 17a, which shall read as follows:

"The said Board herein created shall have no right, power or authority to lease for any purpose any of the land composing the San Jacinto Battlefield lands or any other lands where battles were fought for Texas' independence and Washington Park on the Brazos and it is hereby expressly forbidden from leasing same."

(2)

Amend Senate bill No. 94 by striking out the word "Governor," in any or all places wherein it appears in said bill and insert in lieu thereof the words, "Commissioner of the General Land Office."

Amend Section 11 of Senate bill No. 94 as follows:

Strike out the words "general revenue fund" where same occur the first time, Section 11, and substitute therefore the following: "Special building fund of the eleemosynary institutions.

were The amendments severally

Senate bill No. 94 was then passed to third reading.

REPORT OF THE COMMITTEE TO INVESTIGATE TRAVIS COUNTY COURTHOUSE SITE LEASE.

The Speaker laid before the House and had read the following committee report:

Hon. W. S. Barron, Speaker of the House; Hon. Barry Miller, President of the Senate:

We, your committee appointed under House concurrent resolution No. 2, respectfully submit the following report:

We have investigated the matters set forth in said resolution, and find as follows:

(a) The present conditions of the overcrowding of the State Capitol and State office buildings in Austin is apparent to every member of the Legislature. Every little niche in the hallways is blocked off and overcrowded with some department of government.

So much has this overcrowding been done in the State that different departments have had to rent premises outside of the Capitol building. We find that the Highway Department has rented and is now occupying the twelfth floor of the Norwood building in Austin, headquarters division of engineers, 1300 square feet, at \$190 per month. The thirteenth floor of said building is used for concentration rooms for preparing for field plans, occuping 3331 square feet, at \$633.50 per month, which is approximately \$9000 per year. The Educational Department has been using premises outside of the Capitol, and for three months paid \$20 per month, and, in addition to that expense, had to pay for the Merchants Transfer Company's services in moving to and from the Capitol. It had to rent fans during the summer for the reason that it was necessary to have them to properly do the work.

- (b) We find the present true value of improvements owned by Travis county upon said leased courthouse site in the sum of \$50,000.
- (c) We find that the one-half block in front of the Governor's Mansion is suitable for a courthouse or any other public building, if the Legislature deems it proper to use the same for such purpose or purposes. This committee does not recommend that it be so used. We further find that the State, according to the best records we can get, owns two other blocks, marked on an old map made in 1839, marked "Public Square," between Pine and Cedar Streets, one at the east side of the Avenue, and the other on the west side of the Avenue, which we understand belongs to the State, but is being used by the city now and has been for some time as parks.

The chairman of this committee submitted to the Attorney General the question of whether the State could give a fee simple title to either of said blocks. He has furnished us with an opinion that, on account of the abutting owners, the State could not give a clear fee simple title to said property. Said opinion is attached hereto, marked Exhibit A.

We have not been able to find where the State of Texas and the county of Travis have ever entered into any binding agreement as to the courthouse site, except the lease made in 1874 to the county of Travis on the lots now occupied by the courthouse of said county. That lease has approximately forty-three years to run before its ex-

As to the real estate belonging to the State of Texas, located in Austin, producing revenue, you will find in the statement attached hereto, made by the State Board of Control, marked "Exhibit B."

We further find that the com-(e) missioners court of Travis county has entered into a contract with a building company to erect a new courthouse at the approximate cost of \$600,000 on the site upon which the present courthouse is now located, or upon any other site as provided in the contract that may be provided by the commissioners court of said county, which building we are informed by the commissioners court will be immediately erected unless such lease is canceled. According to the terms of said lease, the State has the right at any time to cancel said lease by paying the full value to the county of Travis of the improvements thereon.

Respectfully submitted, WALTER C. WOODWARD, (With reservations and explanations attached.)

JOHN W. HORNSBY. WILLIAM M. MARTIN, For the Senate.

ED. R. SINKS, A. B. TARWATER, METCALFE,

(With reservations attached.) GILES, Chairman,

For the House.

Explanations as to Senator Walter C. Woodward's Approval of the Report Hereto Attached.

I have signed the committee report, noting at the end of my signature the following: "with reservations and explanations attached." I do not concur in Section B, page 1, of the report as to the present true value of improvements owned by Travis county upon the premises, towit: the present courthouse site. I have no definite information as to the true value thereof. The contract under which the county occupies the State land and upon which the present courthouse is located provides that the State shall pay, upon cancellation of the lease, the "full" value of the improvements. I rather think by full value would be construed to mean the full value for the purpose for which it is being used; therefore, the value might exceed \$50,000.

made in paragraph C to the effect that Rockwall County, 195 S. W. 926 (writ the State cannot give a clear title to of error refused); City of Llano vs.

the lots designated as "Public Square." I believe an issue of fact is involved, and I am somewhat of the opinion that for courthouse purposes said property could be used. This I mean in a legal sense, but as to whether it is advisable to so use said property I am not trying to determine.

Except as hereinabove noted, I have

signed and approved the report.

(Signed) WALTER C. WOODWARD.

#### Exhibit A.

Offices of the Attorney General, Austin, Texas, February 13, 1930.

Honorable Eugene V. Giles, House of Representatives, Capitol.

Dear Sir: We have considered your verbal request, as chairman of the committee appointed by the House to investigate the title to certain lands in the city of Austin, originally belonging to the State, that we advise you in reference to the title to the block of ground bounded by Fourth, Fifth, San Antonio and Guadalupe streets and the block bounded by Fourth, Fifth, Trinity and Neches streets. As we understand the question, you desire to know whether the State can pass the fee simple title in either of these blocks to Travis county.

By virtue of the Acts of the Republic, 1839 (2d Gammel's Laws of Texas, 161) the town of Austin was laid out and lots were sold according to map or plat of 1840 on file in the General Land Office. There was set aside and dedicated to the public, as shown by said plat, among other lands, the blocks under consideration.

The authorities are well in accord that where lots are sold with reference to a map or plat, the dedication of lands to the public according to such plat is generally held to be irrevocable. Cincinnati vs. White, 6 Peters, 431, 8 Law Ed. 452; State of Texas vs. Travis County, 85 Texas, 435; Lamar County vs. Clements, 49 Texas, 347; 18 C. J. 58, Sec. 43c, 18 C. J. 63, Sec. 50 (2).

The courts of Texas have recognized the proposition that where land is dedicated for public use according to a map or plat and lots are sold with reference to same, the public acquires such an interest in land so dedicated that the original owner is precluded from revoking the dedication or alienating the land. State of Texas vs. Travis County; Lamar I do not concur in the suggestion County vs. Clements, supra; McBride vs.

Llano County, 23 S. W. 1008; 28 S. W.

Without reviewing, in detail, the history of these tracts and their dedication to the public, we are of the opinion that in view of the authorities above cited and in view of the fact that these tracts were dedicated to the public use and have been used and enjoyed by the public, they are burdened with a public use. You are, therefore, advised that the State of Texas cannot pass an unincumbered fee simple title to either of these tracts of land to Travis county.

Very truly yours, (Signed) SLOAN BLAIR, Assistant Attorney General.

State Board of Control, Austin, Texas, January 27, 1930.

Hon. Eugene Giles, Member, House of Representatives, Capitol.

Dear Mr. Giles: In compliance with your request, I take pleasure in handing you herewith a statement of real estate owned by the State in the city limits of Austin, as shown by the books of this department.

If we can serve you further, please command us.

Yours very truly, (Signed) CLAUDE D. TEER, Chairman.

### Exhibit B.

Real Estate Belonging to the State of Texas and Located in Austin.

House and lot, 401 East First street; monthly rental, \$25.00; no lease.

East end sand beach reserve, E. A. Alley, lessee; lease expires March 1, 1933; annual rent \$150.00, payable quarterly in advance.

Part of Block 59 on East Fifth street, W. H. Richardson estate, lessee; leased for five years from July 1, 1929, to June 30, 1934; rent \$50.00 per month, payable quarterly in advance.

Right-of-way old courthouse and jail block, I. & G. N. Railroad Company lessee; leased for fifteen years from September 1, 1929, to August 31, 1944; rental \$1200 per annum, payable in advance.

Mill property on I. & G. N. lot, Reinhardt Lumber Company, lessee; rented at \$15.00 per month, payable in advance.

East 3 of N. 2 Block 180, Mrs. Fred Sterzing, lessee; leased for five years, from October 1, 1929, to September 30, 1934; rental, \$11.00 per quarter, payable semi-annually in advance.

Gravel Company, lessee; leased for five on the ground that the subject matter

years, from April 1, 1928, to March 31, 1933; rental, \$1920 per year, payable in advance.

Explanation as to Mr. Metcalfe's Ap- . proval of the Report Attached Hereto.

I have signed the report "with reserva-tions attached." I concur in the major proportion of the report, but do not concur in the valuation placed now on the courthouse site. I think that the valuation of \$50,000.00 is excessive, as the buildings have been on the site for fifty years and are not in the best of repair even now. I believe that the State could give a clear title to the blocks mentioned in the report and that either one would be a very suitable location for Travis county's courthouse.

PENROSE B. METCALFE.

#### SENATE BILL NO. 25 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 25, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of 1925 as amended so as to fix and regulate the compensation of county auditors, and declaring an emergency."

The bill was read second time.

Mr. Kennedy offered the following amendment to the bill:

Amend Senate bill No. 25 by substituting in line 20 on page 1 "\$125," for "\$150" in said line; also in line 23 substituting "\$3,000.00" for "\$4,250.00."

Mr. Van Zandt offered the following amendment to the bill:

Amend the bill by striking out the enacting clause.

On motion of Mr. Barnett, the bill was laid on the table subject to call.

#### SENATE BILL NO. 38 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 38, A bill to be entitled "An Act to amend Article 5440 of the Revised Civil Statutes of the State of Texas, adopted in 1925, authorizing the appointment of a State Librarian, defining the qualifications and duties, prescribing the compensation thereof, and declaring an emergency."

The bill was read second time.

Mr. Quinn raised a point of order Sand beach reserve, Palm Carson on further consideration of the bill,

contained in the bill has not been submitted by the Governor.

The Speaker sustained the point of order.

#### SENATE BILL NO. 44 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 44, A bill to be entitled "An Act to exempt from taxation the buildings and other property owned or used by the Young Men's Christian Association and the Young Women's Christian Association, where such property is used exclusively for furthering the interests of religious work, and not for profit and where such associations are operated with the approval and co-operation of the State and International Young Men's Christian Association Committees and the Young Women's Christian Association Committees; and in accord with the provisions and purposes of the association furthering religious work, and declaring an emergency."

The bill was read second time.

Mr. Sanders offered the following amendment to the bill:

Amend Senate bill No. 44 by striking out all below the enacting clause and inserting in lieu thereof the following:

Amend Article 7150, subdivision 1, so as to hereafter read as follows:

Schools and Churches.-Public 1 schoolhouses and houses used exclusively for public worship, also any property owned by a church or by a strictly religious denomination for the exclusive use as a dwelling place for the ministry of such church or religious denomination, and used as such, and which yields no revenue whatever to such church or denomination; provided. that such exemption shall not extend to more property than is reasonably necessary for a dwelling place, and in no event to exceed more than one acre of land, which shall be in on parcel, the books and furniture therein and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view All public colleges, public academies, all buildings connected with the same, and all lands immediately connected with public institutions of learning, and all endowment funds of institutions of learning and religion not used with a view of profit, and when the same \

are invested in bonds or mortgages, or in land or other property which has been or shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages; provided, that such exemption of such land and property shall continue for two years after the purchase of the same at such sale by such institutions and no longer; and all such buildings used exclusively and owned by persons or associations of persons for school purposes. This provision shall not extend to leasehold estates of real property held under authority of any college or university of learning."

Mr. Harper offered the following amendment to the bill:

Amend Senate bill No. 44 by striking out the enacting clause.
Signed—Harper, Farrar.

Mr. Keller offered the following amendment to the amendment:

Amend Senate bill No. 44 below the enacting clause by inserting in proper place: "and also the property of the Salvation Army, the Volunteers of America and the Young Men's Hebrew Association shall be exempt from taxation."

Mr. Metcalfe moved the previous question on the pending amendments and the bill, and the main question was

Question first recurring on the amendment by Mr. Harper, striking out the enacting clause of the bill, it was adopted.

## MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, February 18, 1930.

Hon, W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 74 by a two-thirds vote of 24 yeas and 0 nays.

Has adopted free conference committee report on House bill No. 9 by a vote of 20 yeas and 4 nays.

The Senate grants the request of the House for the appointment of a free conference committee to adjust the differences on House bill No. 35.

The following are appointed as conferees on the part of the Senate:

Senators Holbrook, Hyer, Parr, Miller and Thomason.

Respectfully, MORRIS C. HANKINS, Assistant Secretary of the Senate. BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 59, "An Act to amend Chapter 8, Title 128, Revised Civil Statutes of Texas, by adding thereto Article S197a, authorizing any district that may have availed itself of the provisions of Article 8195 and become a conservation and reclamation district, to issue bonds of said district for the purpose of refunding any indebtedness incurred prior to the time of such change, and to levy a tax in payment thereof, and declaring an emergency,"

H. B. No. 93, "An Act authorizing the commissioners court in any county having a population of not less than 21,900 and not more than 22,000 according to the United States Census of 1920 to allow each county commissioner certain expenses for traveling in connection with official business, and declaring an emergency,"

H. B. No. 24, "An Act validating the actions of the county board of school trustees in changing common school districts and their boundary lines in counties having a population of not less than 1,010 nor more than 1,025, according to the United States Federal Census of 1920; giving the county board of school trustees in said counties authority to make changes in all common school districts, to create common school districts, to subdivide, to combine or to abolish common school districts; giving the county board of school trustees in said counties authority to establish rural high school districts containing an area of more than 100 square miles and composed of two or more elementary school districts."

H. B. No. 21, "An Act providing that the county commissioners court of Hays county shall have the power either upon its own motion or upon petition to order the owners of land across which any third class or neighborhood road runs to remove any gates or other obstruc-tions thereon across said road, and provided that commissioners court may permit the construction and placing of cattle guards or gaps by such land owners across such roads, and providing for the placing of a gate near such cattle guards or gaps for general use by the public, and providing that the owners of the land through which said road runs and on which said gates are shall be notified at least ten days and given a hearing

on whether such gates shall be removed or not."

H. B. No. 13, "An Act making it unlawful for any person to transport any live wolf, or to possess or receive for the purpose of transporting or turning loose or to turn loose any live wolf, providing that it shall not be unlawful for certain persons to transport, possess or receive any live wolf for exhibition purposes; prescribing penalties, and declaring an emergency."

H. B. No. 98, "An Act to amend the special road law for Rockwall county, Texas, enacted by the Regular Session of the Thirty-sixth Legislature, 1919, the same being an act providing for the payment of the commissioners of Rockwall county, Texas, while acting as ex-officio road superintendents in their various precincts of said Rockwall county, and declaring an emergency."

H. B. No. 38, "An Act to create Donna Irrigation District, Hidalgo County No. 1, in Hidalgo county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Section 52 of Article 3 of the Constitution."

H. B. No. 11, "An Act to validate the organization and creation of all school districts, including common school districts, independent school district, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by general or special law of county boards of trustees; validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said boards of trustees heretofore taken by such boards of trustees; validating all bonds authorized and sold and now outstanding of said districts; validating all tax levies made in behalf of said districts, and declaring an emergency."

H. B. No. 96, "An Act creating a special road law for Angelina county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1930, setting forth the method of said operation; providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency."

H. B. No. 44, "An Act creating a

special road law for Wise county, Texas, prescribing how the commissioners court thereof may close certain local roads, and declaring an emergency."

roads, and declaring an emergency."

H. B. No. 39, "An Act to create Hidalgo Water Improvement District No. 6, in Hidalgo county, Texas, and defining the boundaries of said district; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 14, 1929, for the creation of said district and the issuance of notes of said district, and the election of directors thereof; validating and approving the order of the commissioners court of said county passed on March 18, 1929, declaring the results of said election, and establishing the said district."

## SENATE BILL NO. 73 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 73, A bill to be entitled "An Act to provide for the maintenance of county administration of the public free schools to be prorated to all of the schools of the county, and declaring an emergency."

The bill was read second time.

(Pending consideration of the bill, Mr. DeWolfe occupied the chair temporarily.)

Mr. Shaver offered the following

amendment to the bill:

Amend Senate bill No. 73 by striking out all of Section No. 1 and substitute in lieu thereof the following:

"Section 1. That from and after August 31, 1930, the salaries and office expenses of the county superintendents of public instruction and such assistants as he may have, shall be paid out of the school funds of all common school districts and of all independent school districts of less than five hundred scholastics."

Mr. Johnson of Dimmit offered the following amendment to the amend-

ment:

Amend amendment to Senate bill No. 73 by striking out the figures and or words "500" and insert in lieu thereof "300."

Mr. Justiss moved that further consideration of the bill be postponed indefinitely.

On motion of Mr. Rountree, the motion to postpone indefinitely was tabled. Mr. Purl raised a point of order on

further consideration of the bill, on the ground that the printed bill has not been on the desks of the members twenty-four hours.

The Speaker sustained the point of

order.

## SENATE BILL NO. 85 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 85. A bill to be entitled "An Act to amend Section 12 of the act of the Twenty-eighth Legislature creating a road system for Palo Pinto and Bosque counties, being Chapter 22, Special Laws, 1930, as amended by Chapter 19, Special Laws, 1913, which Section 12 was added by Chapter 12, Special Laws of the Forty-first Legislature at its Second Called Session; authorizing the commissioners court of Palo Pinto county, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes in Palo Pinto county and to levy a tax in payment thereof, and declaring an emergency."

The bill was read second time.

The usual committee amendment as recommended by the committee was adopted.

Senate bill No. 85 was then passed

to third reading.

# SENATE BILL NO. 95 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 95, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another State or country and duly registered under the laws of said State or country for the current year; prescribing restrictions under which vehicles may be operated; prescribing penalties for any violations hereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and

was passed to third reading.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 94, "An Act to provide a

special county road law for Austin county, Texas; declaring county commissioners shall be ex-officio road supervisors of their respective precincts, subject to the direction of the commissioners court, and have charge of all road equipment for the building and maintenance of roads in their respective precincts; and defining the authority and duties of said commissioners as road supervisors; requiring bond of such commissioners as road supervisors, and requiring the keeping of certain accounts; providing for the purchase of materials and supplies necessary in the discharge of duties imposed, and for the employment of necessary labor."

H. B. No. 97, "An Act amending House bill No. 177, passed by the Second Called Session of the Forty-first Legislature, prescribing the kind of tackle and method of taking fish in fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within 200 yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande rivers from the provision of this act; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties."

H. B. No. 100, "An Act to repeal Chapter 76, Special Laws of the First Called Session of the Fortieth Legislature of 1927, entitled 'Polk County Road Law,' creating a more efficient road system for Polk county, Texas, and de-claring an emergency."

H. B. No. 87, "An Act to provide and regulate size of certain fish caught in Harrison county, Texas; providing penalty, and declaring an emergency."

H. B. No. 40, "An Act to repeal Section 12c of Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being an amendment to Wise county special road law, and to amend Chapter 59, Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, as amended by Chapter 31, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, as amended by Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being a special road law for Wise county, by adding thereto Section 12d, validating all scrip, warrants, refunding warrants, refunding in Stephens county upon quail and all bonds and/or other evidence of indebt- tur-bearing animals for a period of

edness issued against the road bridge fund of said county." and

H. B. No. 86, "An Act to amend Sections 2a and 2b of Chapter — of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being special road law for Childress county, which Sections 2a and 2b were added by Chapter 279 of the General and Special Laws of the Forty-first Legislature at its Regular Session in 1929; authorizing the commissioners court of Childress county to issue bonds in said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency."

## MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 22, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said article apply in any county having a population of at least 58,000 or having therein a city containing a population of at least 20,000, and in any county shown by the last United States census to have a population of not less than 37,500 and not more than 38,000, and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act amending Chapter 54 of the General Acts of the First Called Session of the Fortieth Legislature, also known as Section 3, contained in Chapter 54, of the First Called Session of the Fortieth Legislature, so as to fix the compensation and working of the grand jury bailiffs of the Thirty-seventh and Ninety-fourth Criminal District Courts of Bexar county, Texas, and any other criminal district courts that hereafter may be created in said county of Bexar for both walking and riding grand jury bailiffs, said working days to be not less than six days per week, and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act providing for a closed season

three years, and providing for certain exceptions to fur bearing animals, and

declaring an emergency.'

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining of a statement of facts on appeal by a pauper, and providing the compensation of the court reporter, and providing an emergency." with amendment.

H. B. No. 49, A bill to be entitled "An Act providing that the clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, shall furnish to the district judge of the trial court where the case was originally tried a copy of the opinion of such appellate court as may be rendered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1 and shall be charged as costs, and declaring an emergency," with amenddent.

Respectfully, MORRIS C. HANKINS. Assistant Secretary of the Senate.

# HOUSE BILL NO. 48 WITH SENATE AMENDMENTS.

Mr. Hardy called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining of a statement of facts on appeal by a pauper, and providing the compensation of the court reporter, and providing an emergency."

The Speaker laid the bill before the House, and the Senate amendments were

read.

Mr. Hardy moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following committee:

Messrs. Hardy, Graves of Williamson, McCombs, Storey, and Sinks.

# SENATE BILL NO. 101 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 101, A bill to be entitled "An Act creating a board for the leasing of State parks for oil and/or gas; granting authority for said board to make concession contracts for any causeway, beach drive or other improvements in connection with State park sites;

providing that the revenues received therefor will be placed in the special fund of the State Treasury; granting authority to said board to make such rules and regulations for carrying out the provisions of this act as may be necessary; repealing all laws in conflict, and declaring an emergency."

The bill was read second time.

On motion of Mr. Petsch, the bill was laid on the table subject to call.

## HOUSE BILL NO. 49 WITH SENATE AMENDMENTS.

Mr. Hardy called up, from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 49, A bill to be entitled "An Act providing that the clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, and the clerk of the Supreme Court, shall furnish to the district judge of the trial court where the case was originally tried a copy of the opinion of such appellate court as may be rendered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1 and shall be charged as costs, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read

On motion of Mr. Hardy, the House concurred in the Senate amendments.

#### RECESS.

On motion of Mr. Tillotson, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

SENATE BILL NO. 73 ON PASSAGE TO THIRD READING.

The Speaker laid before the House, on its passage to third reading,

S. B. No. 73, A bill to be entitled "An Act to provide for the maintenance of county administration of the public free schools to be prorated to all of the schools of the county, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Shaver and amendment by Mr. Johnson of Dimmit to the amendment, pend-

ing.

The Speaker reversed his ruling on the point of order heretofore made by Mr. Purl relative to the printed bill, and overruled the point of order.

Mr. Purl then withdrew the point of order.

Mr. Johnson of Dimmit then withdrew the pending amendment to the amendment.

Mr. Van Zandt moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Shaver, yeas and nays were demanded.

nays were demanded.

The roll was called and the vote announced as follows: Yeas, 13; nays 72.

Mr. Holder raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Van Zandt moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Van Zandt, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was again called on the amendment by Mr. Shaver, and the vote resulted as follows:

#### Yeas-34.

Mr. Speaker. Minor. Bounds. Moore. Davis. Morse. Graves Murphy. of Williamson. Palmer. Hines. Pope of Jones. Holder. Pope of Nueces. Hornaday. Purl. Hubbard. Quinn. Ray. Jenkins. Johnson Sanders. of Dimmit. Shaver. Justiss. Snelgrove. Kemble. Speck. Kincaid. Veatch. · Webb. Kinnear. Wiggs. Magee. Mankin.

## Nays-68.

Acker. Albritton.
Ackerman. Allred.
Adkins. Baker.

Barnett. Long of Wichita. Bond. Loy. Brice. Marks. Carpenter. Martin. Coltrin. McCombs. Conway. Mehl. Cox of Lamar. Metcalfe. Cox of Limestone. Mosely. DeWolfe. Negley. Enderby. Nicholson. Farrar. Pavlica. Finn. Pool. Finlay. Renfro. Forbes. Richardson. Fuchs. Rogers. Gates. Rountree. Giles. Savage. Graves of Erath. Shelton. Hardy. Simmons. Harman. Sinks. Harper. Stephens. Heaton. Storey. Hogg. Tarwater. Johnson Terrell. of Dallam. Tillotson. Johnson of Smith. Johnson of Scurry. Van Zandt. Walters. Jones. West. Keller. Williams Kennedy. of Sabine. Woodruff. King. Young. Lee.

## Present-Not Voting.

Harrison. Mauritz.

Olsen.

## Absent.

Anderson. Maynard. McGill. Avis. Bateman. Montgomery. Beck. O'Neill. Bradley. Patterson. Dunlap. Petsch. Duvall. Reid. Riley. Eickenroht. Harding. Stevenson. Hefley. Thompson. Hopkins. Turner. Kayton. Williams Lemens. of Travis. Long of Houston.

## Absent—Excused.

Baldwin. Prendergast. Brooks. Reader. Sherrill. Chastain. Strong. Ewing. Waddell. Gilbert. Keeton. Wallace. Warwick. Kenyon. Westhrook. Land. Williams McDonald. of Hardin. McKean. Mullally.

The Speaker announced that the amendment was lost.

Mr. Barnett moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Question then recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 73 was then passed to third reading by the following vote:

### Yeas-74.

Mr. Speaker. Lee. Adkins. Loy. Albritton. Magee. Allred. Marks. Martin. Baker. Mauritz. Barnett. McCombs. Bounds. Mehl. Brice. Metcalfe. Carpenter. Coltrin. Minor. Mosely. Conway. Cox of Limestone. Negley. Nicholson. DeWolfe. Enderby. Olsen. Farrar. Palmer. Pavlica. Finn. Pool. Finlay. Pope of Jones. Forbes. Quinn. Fuchs. Gates. Renfro. Richardson. Giles. Rogers. Graves of Williamson. Rountree. Graves of Erath. Sanders. Shelton. Hardy. Harman. Snelgrove. Stephens. Harper. Heaton. Storey. Tarwater. Hines. Terrell. Hogg. Tillotson. Jenkins. Van Zandt. Johnson of Dallam. Veatch. Johnson of Smith. West. Johnson of Scurry. Williams Jones. of Sabine. Woodruff. Keller. Kennedy. Young. Kincaid.

Nays-27.

Long of Wichita. Acker. Mankin. Ackerman. Moore. Bond. Cox of Lamar. Morse. Pope of Nueces. Davis. Purl. Holder. Ray. Hubbard. Savage. Johnson of Dimmit. Shaver. Simmons. Justiss. Sinks. Kemble. Walters. King. Wiggs. Kinnear.

Present—Not Voting.

Harrison. Speck. Hornaday. Webb.

#### Absent.

Maynard. Anderson. McGill. Avis. Bateman. Montgomery. Murphy. Beck. Bradley. O'Neill. Patterson. Dunlap. Duvall. Petsch. Eickenroht. Reid. Riley. Harding. Hefley. Stevenson. Hopkins. Thompson. Kayton. Turner. Williams Lemens. of Travis. Long of Houston.

#### Absent-Excused.

Prendergast. Baldwin. Reader. Brooks. Sherrill. Chastain. Ewing. Strong. Waddell. Gilbert. Wallace. Keeton. Warwick. Kenyon. Westbrook. Land. McDonald. Williams of Hardin. McKean. Mullally.

# HOUSE BILL NO. 69 WITH SENATE AMENDMENTS.

Mr. Hines called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 69, A bill to be entitled "An Act repealing Chapter 88, page 219, of the Acts of the First Called Session of the Forty-first Legislature, prohibiting the sale of fresh water fish during the months of March and April in Cass, Bowie, Morris and Titus counties, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Hines, the House concurred in the Senate amendments by the following vote:

## Yeas—105.

Carpenter. Mr. Speaker. Coltrin. Acker. Conway. Ackerman. Cox of Lamar. Adkins. Cox of Limestone. Albritton. Davis. Allred. DeWolfe. Baker. Enderby. Barnett. Farrar. Bounds. Finn. Brice.

	<del></del>
Finlay.	Morse.
Forbes.	Mosely.
Fuchs.	Murphy.
Giles.	Negley.
Graves	Nicholson.
of Williamson.	Olsen.
Graves of Erath.	Palmer.
Hardy.	Pavlica.
Harding.	Pool.
Harman.	Pope of Jones.
Harman.	Pope of Museum
Harper.	Pope of Nueces.
Harrison.	Purl.
Heaton.	Quinn.
Hines.	Ray.
Hogg.	Renfro.
Holder.	Richardson.
Hornaday.	Rogers.
Hubbard.	Rountree.
Jenkins.	Sanders.
Johnson	Savage.
of Dallam.	Shaver.
Johnson	Shelton.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Snelgrove.
Jones.	Speck.
Justiss.	Stephens.
Keller.	Storey.
Kemble.	Tarwater.
Kennedy.	Terrell.
Kincaid.	Tillotson.
King.	Van Zandt.
Kinnear.	Veatch.
Lee.	Wallace.
Long of Wichita.	Walters.
Loy.	Webb.
Magee.	West.
Mankin.	Wiggs.
Marks.	Williams
Mauritz.	of Sabine.
McCombs.	Williams
Mehl.	of Travis.
Metcalfe.	Woodruff.
Minor.	
MITTOL.	Young.

## Absent.

Moore.

Anderson. Avis. Bateman. Beck. Bond. Bradley. Dunlap. Duvall. Eickenroht. Gates. Hefley. Hopkins. Kayton. Lemens.	Long of Houston. Martin. Maynard. McGill. Montgomery. O'Neill. Patterson. Petsch. Reid. Riley. Stevenson. Thompson. Turner.
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#### Absent—Excused.

Kenyon. Land. McDonald. McKean. Mullally. Prendergast.	Sherrill. Strong. Waddell. Warwick. Westbrook. Williams
Reader.	of Hardin.

## MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a free conference committee to adjust the differences on House bill No. 48. The following are appointed as conferees on the part of the Senate:

Senators McFarlane, Cunningham, Beck, Greer and Parrish.

Respectfully, MORRIS C. HANKINS, Assistant Secretary of the Senate.

#### HOUSE BILL NO. 71 WITH SENATE AMENDMENTS.

Mr. Marks called up from the Speaker's table, with Senate amendments, for

consideration of the amendments, H. B. No. 71, A bill to be entitled "An Act authorizing the commissioners court to pay bounties on wolf scalps in Jack and Wise counties to preserve game in said counties."

The Speaker laid the bill before the House, and the Senate amendments were

On motion of Mr. Marks, the House concurred in the Senate amendments by the following vote:

#### Yeas—101.

Mr. Speaker.	DeWolfe.
Acker.	Enderby.
Ackerman.	Farrar.
Adkins.	Finn.
	Finlay.
Albritton.	
Allred.	Forbes.
Baker.	Fuchs.
Barnett.	Gates.
Bateman.	Giles.
Bounds.	Graves
Brice.	of Williamson.
	Graves of Erath.
Carpenter.	
Coltrin.	Hardy.
Conway.	Harding.
Cox of Lamar.	Harman.
Cox of Limestone.	Harper.
Davis.	Harrison.
. T. C. 170 ·	

Heaton. Olsen. Hines. Palmer. Holder. Pavlica. Hornaday. Pool. Pope of Jones. Hubbard. Jenkins. Purl. Quinn. Ray. Johnson of Dallam. Johnson Renfro. of Dimmit. Richardson. Johnson of Smith. Rountre Johnson of Scurry. Savage. Rountree. Shaver. Jones. Justiss. Shelton. Keller. Simmons. Kemble. Sinks. Kennedy. Snelgrove. Kincaid. Stephens. King. Storey. Kinnear. Tarwater. Lee. Terrell. Lemens. Long of Wichita. Tillotson. Van Zandt. Loy. Veatch. Magee. Wallace. Mankin. Walters. Marks. Webb. West. Martin. Wiggs. Williams McCombs. Mehl. Metcalfe. of Sabine. Williams Minor. Moore. of Travis. Mosely. Woodruff. Young. Negley. Nicholson.

## Absent.

Anderson. Montgomery. Morse. Avis. Beck. Murphy. O'Neill. Bond. Bradley. Patterson. Dunlap. Petsch. Pope of Nueces. Duvall. Eickenroht. Reid. Hefley. Riley. Hogg. Hopkins. Rogers. Sanders. Kavton. Speck. Long of Houston. Stevenson. Mauritz. Thompson. Maynard. Turner.

### Absent—Excused.

Baldwin. Mullally. Brooks. Prendergast. Reader. Chastain. Ewing. Sherrill. Gilbert. Strong. Waddell. Keeton. Kenyon. Warwick. Westbrook. Land. McDonald. Williams of Hardin. McKean.

McGill.

## SENATE BILL NO. 96 ON SECOND READING.

Mr. Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 96 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-102.

Mr. Speaker. Lee. Acker. Lemens. Ackerman. Long of Wichita. Adkins. Loy. Albritton. Magee. Allred. Mankin. Marks. Baker. Barnett. Martin. Bateman. McCombs. Metcalfe. Bond. Bounds. Minor. Moselv. Brice. Carpenter. Murphy. Coltrin. Negley. Conway. Nicholson. Cox of Lamar. Olsen. Cox of Limestone. Palmer. Davis. DeWolfe. Pavlica. Pool. Enderby. Pope of Nueces. Farrar. Purl. Finn. Quinn. Ray. Finlay. Forbes. Renfro. Richardson. Fuchs. Gates. Rogers. Rountree. Giles. Graves Savage. of Williamson. Shaver. Hardy. Shelton. Simmons. Harding. Harman. Sinks. Snelgrove. Harper. Harrison. Speck. Stephens. Heaton. Storey. Hines. Tarwater. Holder. Hornaday. Terrell. Tillotson. Hubbard. Jenkins. Van Zandt. Johnson Veatch. Wallace. of Dallam. Walters. Johnson of Dimmit. Webb. Johnson of Smith. West. Johnson of Scurry. Wiggs. Williams Jones. of Sabine. Kayton. Keller. Williams of Travis. Kemble. Woodruff. Kincaid.

Young.

King.

Kinnear.

## Navs-1.

#### Kennedy.

#### Absent.

McGill. Anderson. Mehl. A vis. Beck. Montgomery. Bradley. Moore. Dunlap. Morse. Duvall. O'Neill. Eickenroht. Patterson. Graves of Erath. Petsch. Pope of Jones. Hefley. Hogg. Hopkins. Reid. Riley. Justiss. Sanders. Long of Houston. Stevenson. Thompson. Mauritz. Maynard. Turner.

## Absent-Excused.

Baldwin. Mullally. Brooks. Prendergast. Chastain. Reader. Ewing. Sherrill. Gilbert. Strong. Waddell. Keeton. Kenyon. Warwick. Land. Westbrook. McDonald. Williams of Hardin. McKean.

The Speaker then laid before the House, on its second reading and pas-

sage to third reading, S. B. No. 96, A bill to be entitled "An Act authorizing the commissioners court of Haskell county, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness in-curred for road and bridge purposes, and to levy a tax in payment thereof; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom, and declaring an emergency.'

The bill was read second time.

Mr. Metcalfe offered the following (committee) amendment to the bill:

Amend Senate bill No. 96 in line 4 on page 1 by striking out the figures "1931" and insert in lieu thereof "1930."

The amendment was adopted. Senate bill No. 96 was then passed to third reading.

#### SENATE BILL NO. 96 ON THIRD READING.

The Speaker then laid Senate bill No. 96 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

#### Yeas-103.

Mr. Speaker. Lee. Acker. Lemens. Long of Wichita. Ackerman. Adkins. Loy. Albritton. Magee. Allred. Mankin. Baker. Marks. Barnett. Martin. Bateman. Mehl. Bond. Metcalfe. Bounds. Minor. Brice. Mosely. Carpenter. Murphy. Coltrin. Negley. Conway. Nicholson. Cox of Lamar. Olsen. Cox of Limestone. Palmer. Davis. Pavlica. Farrar. Pool. Finn. Pope of Nueces. Finlay. Purl. Forbes. Quinn. Ray. Renfro. Fuchs. Gates. Giles. Richardson. Graves Rogers. of Williamson. Rountree. Graves of Erath. Savage. Hardy. Shaver. Harding. Shelton. Harman. Simmons. Harper. Sinks. Harrison. Snelgrove. Heaton. Speck. Hines. Stephens. Holder. Storey. Hornaday. Tarwater. Terrell. Hubbard. Tillotson. Jenkins. Van Zandt. Johnson of Dallam. Veatch. Johnson Wallace. of Dimmit. Walters. Johnson of Smith. Johnson of Scurry. Webb. West. Wiggs. Jones. Williams Justiss. Keller. of Sabine. Williams Kemble. of Travis. Kennedy. Woodruff. Kincaid. King. Young.

#### Absent.

Kinnear.

Hogg. Hopkins. Anderson. Avis. Kayton. Beck. Long of Houston. Bradley. Mauritz. DeWolfe. Dunlap. Maynard. McCombs. Duvall. McGill. Enderby. Eickenroht. Montgomery. Moore. Hefley.

Morse.
O'Neill.
Patterson.
Petsch.
Pope of Jones.
Reid.
Riley.
Sanders.
Stevenson.
Thompson.
Turner.

Absent—Excused.

Baldwin. Mullally. Prendergast. Brooks. Chastain. Reader. Ewing. Sherrill. Gilbert. Strong. Waddell. Keeton. Kenyon. Warwick. Land. Westbrook. McDonald. Williams McKean. of Hardin.

## SENATE BILL NO. 102 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 102, A bill to be entitled "An Act to prohibit the shipment into Texas of any citrus nursery stock grown in the State of Florida," etc.

The bill was read second time.

Mr. Johnson of Dimmit raised the following points of order:

I raise the following points of order

against Senate bill No. 102:

Article II, Section 1, of the Constitution of Texas, says: "The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, towit: Those which are legislative to one, those which are executive to another, and those which are judicial to another, and no person or collection of persons shall exercise any power properly attached to either of the others."

Article III, Section 29, of the Constitution of Texas, says: "That the enacting clause of all laws shall be, 'Be it enacted by the Legislature of the State of Texas.'"

Article I, Section 8, Clause 3, of the Constitution of the United States, provides that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Article I, Section 8, Clause 18, of the Constitution of the United States, says that "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the government of the United States or any department or officer thereof."

The points of order are as follows:

(1) That this bill purports to and seeks to establish or assume the existence of many facts therein recited as facts and is in violation of Article II, Section 1, of the Constitution of Texas, and is attempting to exercise the power properly attached to the judiciary and executive, it being the function of the judiciary to establish facts only on submission of competent evidence, or the function of the executive in the reasonable exercise of the police power.

(2) That this bill violates Article III, Section 29, of the Constitution of Texas, which provides "that the enacting clause of all laws shall be Be it enacted by the Legislature of the State of Texas."

(3) That said bill is in violation of Article I, Section 8, Clause 3, of the Constitution of the United States, providing that "The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," and is in violation of Clause 18, same section and article, because this bill provides for the absolute prohibition by law of a commercial commodity from one State to another and not authorized or sanctioned by any construction of any part of the Federal Constitution or any Federal law and attempts to regulate public carriers in the performance of their interstate duties under the Federal Constitution and laws.

(4) That said bill is in violation of the relation of comity between the States and seeks by direct legislation to do that which can only be done by the Executive Department of our State under the exercise of a reasonable police power as may be authorized by proper quarantine regulations.

The Speaker declined to rule on the points of order, stating that he would submit the matter to the House for its

(Pending consideration of the points of order, Mr. Hubbard occupied the chair temporarily.)

(Mr. McGill in the chair.)

Question—Shall the House sustain the points of order?

The House sustained the points of order by the following vote:

## Yeas-61.

Acker. Coltrin.
Ackerman. Conway.
Adkins. Cox of Lamar.
Albritton. Cox of Limestone.
Baker. Davis.
Bond. Enderby.
Bounds. Farrar.

Finlay. Martin. Forbes. Mauritz. Hardy. McGill. Harding. Mehl. Harman. Moore. Morse. Harper. Nicholson. Harrison. Pool. Heaton. Hines. Renfro. Hubbard. Richardson. Rogers. Jenkins. Johnson Savage. of Dallam. Shelton. Johnson Sinks. of Dimmit. Tillotson. Van Zandt. Jones. Justiss. Veatch. Kemble. Walters. Webb. Kennedy. Kincaid. West. Wiggs. Williams Kinnear. Lee. of Sabine. Lemens. Woodruff. Mankin.

## Nays-40.

Allred. McCombs. Avis. Mosely. Barnett. Murphy. Negley. Bateman. Olsen. Brice. Palmer. DeWolfe. Duvall. Patterson. Pavlica. Fuchs. Pope of Jones. Gates. Giles. Pope of Nueces. Purl. Graves of Williamson. Quinn. Řау. Graves of Erath. Holder. Simmons. Hopkins. Snelgrove. Hornaday. Speck. Johnson of Smith. Stephens. Storey. Keller. King. Tarwater. Terrell. Magee. Young. Marks. Maynard.

## Present—Not Voting.

Rountree. Shaver. Williams of Travis.

## Absent.

Kayton. Mr. Speaker. Long of Houston. Anderson. Long of Wichita. Beck. Loy. Bradley. Metcalfe. Carpenter. Minor. Dunlap. Eickenroht. Montgomery. Finn. O'Neill. Petsch. Hefley. Hogg. Reid. Johnson of Scurry. Riley.

Sanders. Stevenson. Thompson. Turner.

#### Absent—Excused.

Baldwin. Prendergast. Brooks. Reader. Chastain. Sherrill. Ewing. Strong Gilbert. Waddell. Keeton. Wallace. Kenyon. Warwick. Land.  ${f Westbrook.}$ McDonald. Williams McKean. of Hardin. Mullally.

Mr. Johnson of Dimmit moved to reconsider the vote by which the House sustained the points of order, and to table the motion to reconsider.

The motion to table prevailed. (Speaker in the chair.)

#### MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 10, A bill to be entitled "An Act to provide that the Texas Prison Board shall arrange for schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory instruction of illiterates and hours of attendance; that credit shall be given on sentence for attendance and instruction in such schools; that the chaplains shall be charged with the duty of organizing and supervising such schools; that instructors shall be prisoners as far as practicable, and that the Texas Prison Board shall make rules and regulations making effective the provisions of this act," with amendment.

H. B. No. 55, A bill to be entitled "An Act to amend Article 6675a-1, Chapter 1, Title 116, Acts of the Forty-first Legislature, Second Called Session, Revised Civil Statutes of 1925, by adding subdivision 'o' defining 'farm trailer,' and Article 6675a-2, Chapter 1, Title 116, by including 'farm trailer' with those other vehicles exempted from license, and creating an emergency," with amendment.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 57, "An Act limiting the powers of the commissioners court in making contracts in connection with the collection of delinquent taxes; limiting the amount that can be paid under said contracts, and declaring an emergency.

H. B. No. 29, "An Act amending Chapter 54 of the General Acts of the First Called Session of the Fortieth Legislature, also known as Section 3, contained in Chapter 54, of the First Called Session of the Fortieth Legislature, so as to fix the compensation and working week of the grand jury bailiffs of the Thirtyseventh and Ninety-fourth criminal district courts of Bexar county, Texas, and any other criminal district courts that hereafter may be created in said county of Bexar, for both walking and riding grand jury bailiffs, said working days to be not less than six days per week, and declaring an emergency.

H. B. No. 99, "An Act providing for a closed season in Stephens county upon quail and all fur-hearing animals for a period of three years, and providing for certain exceptions to fur hearing animals,

and declaring an emergency."

H. B. No. 9, "An Act to amend Articles 2994, 3883, 3886, 3889, 3891, 3892, 3895, 3897, 3899, 3926, 3934, 7331 and 7332 of the Revised Civil Statutes of Texas for 1925, repealing Articles 3887. 3900, 3912 and 3932 of the Revised Civil Statutes of Texas for 1925, and all laws in conflict, all of said amended and repealed articles relative to fees and compensation of county officers; providing any unconstitutional parts of this act shall not affect the remainder; declaring an emergency, and providing said act shall become effective on January 1, 1931."

H. B. No. 49, "An Act providing that the clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, and the clerk of the Supreme Court, shall furnish to the district judge of the trial court where the case was originally tried a copy of the opinion of such appellate court as may be rendered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1 and shall be charged as costs, and declaring an emer-

gency.'

H. B. No. 22, "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors | concurred in the Senate amendments.

for service in the district and county courts, so as to make said article apply in any county having a population of at least 58,000 or having therein a city containing a population of at least 20,000, and in any county shown by the last United States census to have a population of not less than 37,500 and not more than 38,000, and declaring an emergency."

H. B. No. 71, "An Act authorizing the commissioners court to pay bounties on wolf scalps in Jack and Wise counties to preserve game in said counties.'

- S. B. No. 27, "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing bonds in school districts in all counties which, according to the Federal census of 1920, have a population of not fewer than 720 and not more than 750; repealing all laws in conflict herewith, and declaring an emergency.'
- S. B. No. 74, "An Act cancelling and annulling the lease which Travis county holds against the court house and jail property owned by the State of Texas, the same being the north half of Block No. 123 (one hundred and twentythree), in the city of Austin, Travis county, Texas; fixing and declaring the value of all improvements on said lot. and providing for payment to Travis county for said improvements; fixing the time within which Travis county must vacate such property; making the necessary appropriation out of the State Treasury, and declaring an emergency."
- S. C. R. No. 14, Appropriating certain sum for the printing of the House and Senate Journals and the Session Laws of the Fourth Called Session.

#### HOUSE BILL NO. 55 WITH SENATE AMENDMENTS.

Mr. Allred called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 55, A bill to be entitled "An Act to amend Article 6675a-1, Chapter 1, Title 116, Acts of the Forty-first Legislature, Second Called Session, Revised Civil Statutes, 1925, by adding subdivision 'o' defining 'farm trailer, and Article 6675a-2, Chapter 1, Title 116, by including 'farm trailer' with those other vehicles exempted from license, and creating an emergency."

The Speaker laid the bill before the House, and the Senate amendments were

On motion of Mr. Allred, the House

### RELATING TO HOUSE BILL NO. 71.

By unanimous consent of the House, the Enrolling Clerk was authorized to make certain changes in House bill No. 71.

#### ADJOURNMENT.

Mr. Rountree moved that the House adjourn until 3:40 o'clock p. m. today. Yeas and nays were demanded, and the motion prevailed by the following vote:

#### Yeas-98.

Mr. Speaker. Long of Wichita. Loy. Acker. Ackerman. Magee. Adkins. Mankin. Marks. Albritton. Martin. Avie. Mauritz. Baker. Barnett. Maynard. McCombs. Bateman. Bounds. Metcalfe. Minor. Brice. Moore. Carpenter. Morse. Coltrin. Conway.
Cox of Lamar.
Cox of Limestone. Mosely. Murphy. Nicholson. Davis. Olsen. DeWolfe. Palmer. Enderby. Patterson. Farrar. Pavlica. Petsch. Finn. Pool. Forbes. Quinn. Fuchs. Giles. Ray. Renfro. Graves of Williamson. Richardson. Graves of Erath. Rogers. Harding. Rountree. Sandera. Harman. Harper. Savage. Shaver. Heaton. Shelton. Hines. Hogg. Hopkins. Simmons. Sinks. Hornaday. Snelgrove. Speck. Hubbard. Stephens. Jenkins. Storey. Johnson of Dallam. Tarwater. Terrell. Johnson Tillotson. of Dimmit. Johnson of Smith. Johnson of Scurry. Van Zandt. Veatch. Jones. Wallace. Walters. Kayton. Webb. Keller. West. Kennedy. Wiggs. Williams Kincaid. King. of Sabine. Kinnear. Woodruff. Lee.

Lemens.

Naye-2.

Holder.

Justisa.

Present-Not Voting.

Stevenson.

#### Absent.

Allred. McGill. Anderson. Mehl. Beck. Montgomery. Negley. O'Neill. Bond. Bradley. Dunlap. Pope of Jones. Duvall. Pope of Nueces. Eickenroht. Purl. Finlay. Reid. Gates. Riley. Hardy. Thompson. Harrison. Turner. Hefley. Williams Kemble. of Hardin. Long of Houston. Young.

#### Absent-Excused.

Baldwin. Mullally. Brooks. Prendergast. Chastain. Reader. Ewing. Sherrill. Gilbert. Strong. Keeton. Waddell. Kenyon. Warwick. Land. Westbrook. McDonald. Williams of Travis. McKean.

The House, accordingly, at 3:39 o'clock p. m., adjourned until 3:40 o'clock p. m. today, Tuesday, February 18.

### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:
Highways and Motor Traffic: Senate bill No. 95.

Education: Senate bill No. 21.

# REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 76, "An Act to amend an act of the Thirty-fourth Legislature, entitled 'An Act to create a more efficient road system for Lavaca county,' being

Chapter 75, Local and Special Laws, Regular Session, 1915, by adding thereto Section 18, authorizing the commissioners court of Lavaca county to issue bonds of said county for the purpose of funding or refunding indebtedness for road and bridge purposes in said county, and to levy a tax in payment thereof,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled

Bills, to whom was referred H. B. No. 70, "An Act fixing the metes and bounds of the Alice Independent School District, located in Jim Wells county, Texas, and validating the proceedings of the county school trustees of said county in changing the boundaries of Alice Independent School District in said county and validating all proceedings had with respect to levying a tax of \$1.00 upon the \$100 valuation of all taxable property in said school district, and validating all proceedings had with reference to the issuance of \$75,000 of school building bonds of said district, and validating all proceedings had with reference to the issuance of \$15,000 of school building bonds of said district, and validating all proceedings had with reference to the issuance of \$125,000 of school buildings bonds of said district,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 74, "An Act to amend Section 12 of Acts of Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque counties, being Chapter 22. Special Laws, 1903, as amended by Chapter 19. Special Laws. 1913, which Section 12 was added by Chapter 12. Special Laws of the Forty first Legislature at its Second Called Session; authorizing the commissioners court of Palo Pinto county, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes in Palo shipping district in the area patented by

Pinto county, and to levy a tax in payment thereof,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 12, "An Act to repeal Chapter 67, Special Laws of the Thirty-second Legislature of 1919, entitled 'Mason County Road System, Creation of,' and all amendments thereto, and declaring an emergency,

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 72, "An Act making it unlawful to shoot at, or kill any wild deer, or wild turkey in San Saba county; providing a penalty,"

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 89, "An Act authorizing the commissioners court to pay bounties on wolf scalps in Sterling county to preserve game in said county; enacting the necessary regulations in reference thereto," etc.,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 90, "An Act to amend Section 6 of Chapter 68 of the Acts of the Thirty-sixth Legislature, Regular Session, 1919, relating to the fixing of the virtue of said act and providing for determining, defining and fixing the boundary line between the property of private citizens along the shore line of Corpus Christi bay, etc.,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 44, "An Act creating a special road law for Wise county, Texas, prescribing how the commissioners court thereof may close certain local roads, and declaring an emergency,'

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 39, "An Act to create Hidalgo County Water Improvement District No. 6, in Hidalgo county, Texas, and defining the boundaries of said district; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 14, 1929, for the creatior of said district and the issuance of notes of said district, and the election of di-rectors thereof; validating and approving the order of the commissioners court of said county passed on March 18, 1929, declaring the results of said election and establishing the said district,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 21, "An Act providing that the county commissioners court of Hays county shall have the power either upon its own motion or upon petition to order special road law for Wise county, by the owners of land across which any adding thereto Section 12d, validating

third class or neighborhood road runs to remove any gates or other obstructions thereon across said road, and provided that commissioners court may permit the construction and placing of cattle guards or gaps by such land owners across such roads, and providing for the placing of a gate near such cattle guards or gaps for general use by the public, and providing that the owners of the land through which said road runs and on which said gates are shall be notified at least ten days and given a hearing on whether such gates shall be removed or not,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 98, "An Act to amend the special road law for Rockwall county, Texas, enacted by the Regular Session of the Thirty-sixth Legislature, 1919, the same being an act providing for the payment of the commissioners of Rockwall county, Texas, while acting as exofficio road superintendents in their various precincts of said Rockwall county, and declaring an emergency,

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled

Bills, to whom was referred H. B. No. 40, "An Act to repeal Section 12c of Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being an amendment to Wise county special road law, and to amend Chapter 59, Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, as amended by Chapter 31, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, as amended by Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being a adding thereto Section 12d, validating all scrip, warrants, refunding warrants, refunding bonds and/or other evidence of indebtedness issued against the road and bridge fund of said county,

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled

Bills, to whom was referred H. B. No. 38, "An Act to creat Donna Irrigation District, Hidalgo County No. 1, in Hidalgo county, Texas, validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Section 52 of Article 3 of the Constitution,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 96, "An Act creating a special road law for Angelina county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1930, setting forth the method of said operation; providing limitations upon the issuance of

warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas. February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 94, "An Act to provide a special county road law for Austin county, Texas; declaring county commissioners shall be ex-officio road supervisors of their respective precincts, subject to the direction of the commissioners court, and have charge of all road equipment for the building and maintenance of act; prohibiting the sale, offering for

roads in their respective precincts; and defining the authority and duties of said commissioners as road supervisors; requiring bond of such commissioners as road supervisors, and requiring the keeping of certain accounts; providing for the purchase of materials and supplies necessary in the discharge of duties imposed, and for the employment of necessary labor,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 86, "An Act to amend Sections 2a and 2b of Chapter - of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress county, which Sections 2a and 2b were added by Chapter 279 of the General and Special Laws of the Forty-first Legislature at its Regular Session in 1929; authorizing the commissioners court of Childress county to issue bonds in said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 97, "An Act amending House bill No. 177, passed by the Second Called Session of the Forty-first Legislature, prescribing the kind of tackle and method of taking fish in fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within 200 yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande rivers from the provision of this sale or having in possession for the purpose of sale of certain species in said counties,"

Have carefully compared same and find it correctly enrolled. BOUNDS, Vice-Chairman.

> Committee Room, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 100, "An Act to repeal Chapter 76, Special Laws of the First Called Session of the Fortieth Legislature of 1927, entitled Polk County Road Law,' creating a more efficient road system for Polk county, Texas, and declaring an emergency,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 87, "An Act to provide and regulate the size of certain fish caught in Harrison county, Texas; providing a penalty, and declaring an emergency,"

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 11, "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school tricts, consolidated independent school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by general or special law or county boards of trustees; validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said boards of trustees heretofore taken by such board of trustees; validating all bonds authorized and sold and now out- tricts, to create common school districts, standing of said districts; validating all to subdivide, to combine, or to abolish

tax levies made in behalf of said districts, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 13, "An Act making it unlawful for any person to transport any live wolf or to possess or receive for the purpose of transporting or turning loose or to turn loose any live wolf; providing, that it shall not be unlawful for certain persons to transport, possess or receive any live wolf for exhibition or scientific purposes; prescribing penalties, and declaring an emergency,'

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act amending Article 3268, of the Revised Statutes, 1925, providing that municipal corporations shall not be required to post a bond in condemnation proceedings and shall not be required to deposit double the amount of the award of the commissioners, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 24, "An Act validating the actions of the county board of school trustees in changing common school districts and their boundary lines in counties having a population of not less than 1,010 nor more than 1,025, according to the United States Federal census of 1920; giving the county board of school trustees in said counties authority to make changes in all common school discommon school districts, giving the county board of school trustees in said counties authority to establish rural high school districts containing an area of more than 100 square miles and composed of two or more elementary school districts; providing in case any provision of this act shall be held unconstitutional or invalid then such holding shall not affect the remaining provisions, and declaring an emergency,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 59, "An Act to amend Chapter 8, Title 128, Revised Civil Statutes of Texas, by adding thereto Article 8197a, authorizing any district that may have availed itself of the provisions of Article 8195 and become a conservation and reclamation district to issue bonds of said district for the purpose of refunding any indebtedness incurred prior to the time of such change and to levy a tax in payment thereof, and declaring an emergency,'

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 91, "An Act to amend Articles 6834, 6835 and 6838 of the Revised Civil Statutes of the State of Texas, 1925, relating to the manner of holding elections for the issuing of seawall bonds, and the application of funds, under Title 118 of said Revised Civil Statutes, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 92, "An Act to amend Article 8225 of Chapter 9, Title 128, Re-

vised Civil Statutes of 1925, so as to provide for the purchase by navigation districts from the State of Texas of any lands and flats belonging to said State covered or partly covered by the waters of the bays or other arms of the sea within said district; authorizing the Commissioner of the General Land Office to sell said lands at a price of one dollar (\$1.00) per acre; providing application and the issuance of patents, and the disposition of the proceeds of said sale, and declaring an emergency,"

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 93, "An Act authorizing the commissioners court in any county having a population of not less than 21,900 and not more than 22,000, according to the United States census of 1920, to allow each county commissioner certain expenses for traveling in con-nection with official business, and declaring an emergency,"

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 17, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Sir:

Bills, to whom was referred
H. B. No. 101, "An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this act; providing for the use of funds from the sale of such bonds; providing that such bonds shall not be reckoned in determining charter, constitutional or statutory bond limitations and shall not constitute indebtedness of the city contemplated under certain provisions of the Constitution; prescribing statutory duties imposed on such cities when such bonds are issued; providing for the examination and approval of such bonds by the Attorney General and for their registration by the Comptroller, and declaring an emergency,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled Bills, to whom was referred

H. B. No. 99, "An Act providing for a closed season in Stephens county upon quail and all fur-bearing animals for a period of three years, and providing for certain exceptions to fur-bearing animals, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.
BOUNDS, Vice-Chairman.

Committee Room. Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled

Bills, to whom was referred H. B. No. 29, "An Act amending Chapter 54 of the General Acts of the First Called Session of the Fortieth Legislature, also known as Section 3, contained in Chapter 54 of the First Called Session of the Fortieth Legislature, so as to fix the compensation and working week of the grand jury bailiffs of the Thirty-seventh and Ninety-fourth criminal district courts of Bexar county, Texas, and any other criminal district courts that hereafter may be created in said county of Bexar, for both walking and riding grand jury bailiffs, said working days to be not less than six days per week, and declaring an emergency,

Have carefully compared same and

find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room, Austin, Texas, February 18, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Enrolled

Bills, to whom was referred
H. B. No. 49, "An Act providing that
the clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, and the clerk of the Supreme Court, shall furnish to the district judge of the trial court where the case was originally tried a copy of the opinion of such appellate court as may be ren-

dered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1 and shall be charged as costs, and declaring an emergency,"

Have carefully compared same and

find it correctly enrolled. BOUNDS, Vice-Chairman.

#### NINETEENTH DAY.

(Tuesday, February 18, 1930.)

The House met at 3:40 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the follow-

ing members were present:

Mr. Speaker. Acker. of Dimmit. Ackerman. Johnson of Smith. Johnson of Scurry. Adkins. Albritton. Jones. Allred. Justiss. Avis. Kayton. Keller. Baker. Barnett. Kemble. Bateman. Kennedy. Bond. Kincaid. Bounds. King. Kinnear. Brice. Carpenter. Lee, Lemens. Coltrin.

Long of Wichita. Conway. Cox of Lamar. Loy. Cox of Limestone. Magee. Davis. Mankin.

DeWolfe. Marks. Martin. Duvall. Enderby. Mauritz Farrar. Maynard. McCombs. Finn. Finlay. Forbes. Fuchs. Gates. Giles.

Graves of Williamson. Graves of Erath. Hardy.

Harding. Harman. Harper. Harrison. Heaton. Hines. Hogg.

Holder. Hopkins. Hornaday. Hubbard. Jenkins.

Johnson of Dallam.  $\mathbf{McGill}.$ Mehl. Metcalfe. Minor. Moore. Morse. Mosely. Murphy. Negley. Nicholson. Olsen. Palmer. Patterson. Pavlica. Petsch. Pool.

Pope of Nueces. Purl. Quinn. Ray. Renfro. Richardson.

Pope of Jones.